

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
NEWNAN DIVISION

FAYE ROPER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No:
	)	
JENIEL, LLC D/B/A BOJANGLES'	)	
FAMOUS CHICKEN AND	)	
BISCUITS; JOHN DOES 1-3 AND	)	
ABC CORPORATION 1-3,	)	
	)	
Defendants.	)	

**PETITION FOR REMOVAL**

TO: The Judges of the United States District Court, Northern District of Georgia

The Petition of Defendant JENIEL, LLC D/B/A BOJANGLES' FAMOUS CHICKEN AND BISCUITS respectfully shows the Court as follows:

1.

A civil action has been brought against the Petitioners in the State Court of Spalding County, State of Georgia, by the above-named Plaintiff, said action being designated as Civil Action No. 22SV-151 in which Plaintiff is seeking a recovery of elements and items of damages which in total exceed \$75,000.00 exclusive of post-judgment interest and costs.

2.

The Plaintiff is now, was at the time of the commencement of this action, and at all times since been a citizen and resident of the State of Georgia. Exhibit A at ¶

1.

3.

Defendant JENIEL, LLC D/B/A BOJANGLES' FAMOUS CHICKEN AND BISCUITS is now, was at the time of the commencement of this lawsuit, and at all times since been a corporation organized and existing under the laws of the State of North Carolina, having its principal place of business in North Carolina. *See* Exhibit A at ¶ 2. David Maisel and Cheryl Maisel are the only members of this limited liability company and both reside in North Carolina.

4.

Defendant JENIEL, LLC D/B/A BOJANGLES' FAMOUS CHICKEN AND BISCUITS attaches the following exhibits which comprise the record of the state court:

Exhibit A: Plaintiff's Complaint to Defendant JENIEL, LLC D/B/A BOJANGLES' FAMOUS CHICKEN AND BISCUITS;

Exhibit A-1: Summons;

Exhibit B: General Civil/Dom Relations Case Filing Form (state court);

Exhibit C: Plaintiff's First Set of Interrogatories and Requests for Production of Documents to Defendant;

Exhibit D: Plaintiff's First Request for Admissions to Defendant;

Exhibit E: Rule 5.2 Certificate of Service;

Exhibit F: Motion to Appoint Special Process Server;

Exhibit G: Order Granting Motion to Appoint Process Server;

Exhibit H: Affidavit of Service – Jeniel for Bojangles;

Exhibit I: Special Appearance Answer of Jeniel, LLC and Jury Demand

Exhibit J: Rule 5.2 Certificate of Service

5.

Now within thirty (30) days after receiving notice, via Plaintiff's Complaint (Exhibit A) and also her estimate for future medical treatment (Exhibit L)<sup>1</sup>, Defendant has filed this Petition for Removal of said action to this Honorable Court. This removal is timely because it has been filed within thirty (30) days of August 1, 2022, the date Plaintiff served this Complaint.

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<sup>1</sup> Specifically, Plaintiff alleges \$57,603.76 in past medical special damages in her Complaint. Additionally, Plaintiff sent to Defendant an estimate for future medical treatment she claims is related to this incident in the amount of \$14,800 (Exhibit L). Plaintiff's special damages therefore exceed \$75,000. Plaintiff also claims general damages in her complaint above these special damages. (Exhibit A).

6.

This action is removable under 28 U.S.C. § 1332, because Plaintiff seeks at least \$57,603.76 in medical expenses and she also seeks general damages in excess of that amount. *See* Exhibit A. Additionally, she sent to the Defendant prior to suit an estimate for an additional \$14,800 in future medical treatment she alleges is related to this incident which constitutes “other paper” from which Defendant and the Court can ascertain that she seeks in excess of \$75,000. *See* Exhibit L.

7.

As between the Plaintiff and Defendant, there exists complete diversity of citizenship under 28 U.S.C. § 1332(a).

8.

Pursuant to 28 U.S.C. § 1441, et seq., this action is now removable by reason of diversity of citizenship, there being more than \$75,000.00 in controversy, exclusive of interest and costs.

9.

Defendant has simultaneously filed a Notice of Removal in the State Court of Spalding County, State of Georgia. A copy of the Notice being filed with the State Court of Spalding County is attached hereto as Exhibit K.

WHEREFORE, Defendant JENIEL, LLC D/B/A BOJANGLES' FAMOUS CHICKEN AND BISCUITS files this Petition for Removal of said cause to this Court.

Respectfully submitted this the 31<sup>st</sup> day of August 2022.

Vernis & Bowling of Atlanta, LLC

/s/Michael Becker

Kimberly Sheridan, Esq.

Georgia Bar No.: 061028

Michael Becker, Esq.

Georgia Bar No. 529479

*Attorneys for Purported Defendant*

*Jeniel, LLC d/b/a Bojangles' Famous*

*Chicken*

*and Biscuits*

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	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 31, 2022, I electronically filed Petition for Removal with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Ivy White, Esq.  
[ivywhite@forthepeople.com](mailto:ivywhite@forthepeople.com)

Respectfully submitted this the 31<sup>st</sup> day of August 2022.

Vernis & Bowling of Atlanta, LLC

/s/Michael Becker

Kimberly Sheridan, Esq.

Georgia Bar No.: 061028

Michael Becker, Esq.

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